IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14488 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE H.K.RATHOD

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRESIDENT - Petitioner(s)

Versus

SANTOKBEN SHANKARBHAI CHUNARA C/O.GUJARAT UDYOGIK ANIT VIVID - Respondent(s)

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Appearance :

MR DJ BHATT for Petitioner(s) : 1,

MR MURALI N DEVNANI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE H.K.RATHOD

Date : 17/02/2006

ORAL JUDGMENT

Heard learned advocate Mr. D.J.Bhatt for petitioner and Mr. Murli N. Devnani for respondent workman. Through this petition under Article 227 of Constitution of India, petitioner Nagarpalika has challenged the award made by Labour Court, Anand dated 28th June, 2004 in Reference (LCA) No.97 of 2004 whereby the labour court has granted reinstatement with continuity of service with 50 per cent back wages for intervening period in favour of respondent with effect from 8th October, 1993.

Today, when this matter was taken up for final hearing, learned advocates for parties have placed on record settlement arrived at between the parties out side the Court wherein it is decided that the petitioner will reinstate respondent as daily rated employee in service with effect from 1st March, 2006 with continuity

of service. As per the said settlement dated 16.2.2006 which is signed by (1) Umedsinh D. Sindha on behalf of the Khambhat Nagarpalika Khambhat-first party and (2) Santokben Shankarbhai Chunara residing at Tapaswinagar, Khambhat who is the workman concerned and they have been identified by their respective advocates. As per the said settlement, it is settled between the parties in a way that the award made by the labour court in Reference No. 97 of 2004 dated 28th June, 2004 is not to be acted upon but instead of that, parties have to act in accordance with the terms and conditions incorporated in the said settlement. As per condition NO.1 of the said settlement, first party has to reinstate the second party Santokben Shankarbhai Chunara in service as daily rated employee with effect from 1st March, 2006 with continuity of service. As per condition NO.2, first party has to pay daily wage as per existing rates of the Government to the second party

Santokben S. Chunara. In condition No.3, it is stated that the Letters Patent Appeal No. 400 of 1993 filed by the second party Santokben S. Chunara has been withdrawn by her from this Court. As per condition NO.4, Santokben S. Chunara is not to be paid any amount of back wages, difference, allowance or any type of other benefit by the first party nagarpalika.

I have perused the said settlement dated 16.2.2006. Both the learned advocates have jointly requested to take the said settlement on the record of this c ase and to modify the award in terms of the said settlement. From perusal of the said settlement, it is clear that the respondent will be reinstated in service as daily rated employee with effect from 1st March, 2006 with continuity of service and without any back wages. Considering the joint request made by the learned advocates for parties, said settlement dated 16.2.2006 is ordered to be taken on record.

The award made by Labour Court, Anand dated 28th June, 2004 in Reference (LCA) No.97 of 2004 is hereby modified in terms of the settlement recorded hereinabove. Parties are directed to abide by the terms of settlement. Rule is made absolute in terms indicated hereinabove. There shall be no order as to costs.

(H.K. Rathod,J.)

Vyas